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*Attorneys for Plaintiffs*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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PETER HICKS, HICKS, LLC, and  
WASATCH HICKS, LLC,

Plaintiffs,

vs.

TREVOR R. MILTON, M&M RESIDUAL,  
LLC and T&M RESIDUAL, LLC,

Defendants.

**JOINT STATUS REPORT**

Case No. 2:22-cv-00166

Judge: Hon. Howard C. Nielson, Jr

Magistrate Judge: Hon. Daphne A. Oberg

The Parties submit this joint status report in accordance with the Court's direction in paragraph 1 of Dkt. 27:

Under the Court's Second Amended Scheduling Order, fact discovery is scheduled to close on December 22, 2023. (Dkt. 60). The parties have been diligently working to complete fact

discovery, but will not be able to complete fact discovery by the December 22, 2023 deadline for the following reasons:

1) The Court entered orders ruling on the parties' short form discovery motions on November 7, 2023. (Dkt. 62, 63, 64, 65). The parties have been working to comply with those orders.

2) Per Dkt. 62, Defendants produced documents responsive to Plaintiffs' RFPs 14, 15, 16, 18, 19, 21, and 22 on November 21, 2023. The parties filed a stipulated motion to extend the time for Defendants to produce documents responsive to RFPs 2 through 10 until December 21, 2023, due to the size of the production, and in order to provide Nikola additional time to review its documents that are included in the production and file its objections to the production with a privilege log as it deems appropriate. Plaintiffs will need additional time to review these documents, and they anticipate needing to meet and confer with Defendants regarding the produced documents.

3) Per Dkt. 63, Plaintiffs produced a revised privilege log on November 21, 2023. Defendants anticipate renewing their motion for an in-camera review of the emails and text messages at issue in Dkt. 63, and they anticipate filing a motion in the Southern District of New York to transfer the issue of in-camera review of Lucas Hicks' text messages to this court for resolution under Fed. R. Civ. P. 45(f).

4) Per Dkt. 65, Plaintiffs produced documents responsive to Defendants RFPs 3, 4, and 12 on December 4, 2023. Defendants are still reviewing these documents and have not yet determined whether they will need to meet and confer with Plaintiffs regarding the production. The parties are still meeting and conferring regarding a protocol for the forensic examination of

Plaintiffs' devices, and are moving forward with that examination as quickly as possible. The Parties will need additional time to review the documents gathered from that examination.

5) The parties anticipate taking depositions after document productions are complete and the parties have had sufficient opportunity to review the documents.

In light of the foregoing, the parties are contemporaneously filing a stipulated motion to extend the fact discovery deadline and corresponding deadlines an additional 90 days.

DATED December 12, 2023.

/s/ Erik A. Christiansen

Erik A. Christiansen

PARSONS BEHLE & LATIMER

Christopher Robertson (*pro hac to be filed*)

SEYFARTH SHAW LLP

*Attorneys for Plaintiffs*

DATED December 12, 2023.

HATCH LAW GROUP, PC

/s/ Adam Pace\*

Brent Hatch

Adam Pace

Attorneys for Defendants

*\*signed by filing attorney with permission  
granted via email on December 12, 2023.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2023, I caused a true and correct copy of the foregoing **JOINT STATUS REPORT** to be filed on CM/ECF and accordingly electronically served to the parties of record.

/s/ Erik A. Christiansen